

Remarks

I. Status of the Claims

Claims 1-10, 12, 13, and 15-59 are pending in this application. Claims 57 and 58 were withdrawn from consideration by the Examiner. Claims 1, 54, 55, and 56 have been amended. Claim 20 has been cancelled. Additionally, claims 12 and 13 were amended in the Response filed July 11, 2005. These amendments are supported by the specification as originally filed and thus raise no issue of new matter.

II. Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-10, 12, 13, 15-18, 20-25, 46, 47 and 52-56 under 35 U.S.C. § 102(b) as being anticipated by Hayashi et al. (EP Patent No. 367 015) ("Hayashi") for the reasons disclosed on pages 4 and 5 of the Office Action.

Applicants respectfully traverse this rejection. The Examiner has not shown that the prior art reference, either expressly or inherently, teaches each and every limitation of the claim, the standard for anticipation. See M.P.E.P. § 2131. In addition to the arguments submitted in the Response filed July 11, 2005, Applicants respectfully submit that Hayashi does not teach or suggest that "said at least one film-forming polymer and said at least one thermal transition agent are different," as is required by the amended claims. Although the Examiner alleges that Hayashi teaches a shape memory polyurethane with a glass transition temperature of 40°C, Office Action at page 4, Hayashi does not teach a *different* claimed thermal transition agent as is required by the amended claims.

For at least these reasons and the reasons of record, Applicants respectfully submit that the standard for anticipation has not been met. Accordingly, Applicants request that this ground for rejection be withdrawn.

VI. Conclusion

In view of the foregoing remarks and amendments, and the remarks and amendments submitted in the Response filed on July 11, 2005, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims. If the Examiner believes a telephone call could be useful in resolving any outstanding issues, the Examiner is invited to contact Applicants' undersigned counsel at 202-408-4388.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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